THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 21150 OF 1996

Between:

Dr.B.V.Rama Rao … Petitioner

And

1. Nizam Institute of Medical Sciences
rer. By its Dierector, Hyderabad and 2 others ….. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 21150 OF 1996

ORDER:

Facts are not in dispute. The petitioner, a probationer was appointed as an Assistant Professor in the respondent – institute on 20.7.1993. Clause (ii) of the appointment order provided that he should be on probation for a period of two years within a continuous period of three years. The petitioner remained absent from duty without sanction of leave from 31.1.1995 onwards. While the petitioner claims to have submitted a letter reporting for duty on 17.5.1995, according to the respondents he did not report for duty even on 20.7.1995. Even if it is accepted that the petitioner had expressed his willingness to join duty on 17.5.1995, the fact remains that he was, admittedly unauthorizedly absent from duty for a period in excess of three and half months during the period of probation. It is well settled that the services of a probationer can be terminated in accordance with the conditions prescribed in the contract of employment and that such termination does not amount to a punishment necessitating holding of an enquiry.

In the present case, the fact that the petitioner was not sanctioned leave for his absence from 31.1.1995 is not in dispute and as such he was unauthorizedly absent from duty from then onwards till 17.5.1995 when he claims to have reported for duty. The impugned order dated 26.8.1995 terminating his probation cannot be faulted. However, with a view to obviate any

misunderstanding of the said order, which could result in the petitioner suffering adverse civil consequences, I consider it appropriate to delete the words “for his unauthorized absence” from the impugned order dated 26.8.1995 terminating the petitioner’s probation.

Subject to the above, the writ petition fails, and is accordingly dismissed. No costs.

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22-1-2007

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